

Message Text

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ACTION DLOS-06

INFO OCT-01 ARA-06 ISO-00 SAL-01 OES-06 L-03 EB-07 IO-13

OIC-02 SSO-00 NSCE-00 USIE-00 INRE-00 ACDA-07 AGR-05

AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00

DODE-00 DOTE-00 EPA-01 ERDA-05 FEAE-00 FMC-01 TRSE-00

H-02 INR-07 INT-05 JUSE-00 NSAE-00 NSC-05 NSF-01

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TO SECSTATE WASHDC IMMEDIATE 4022

C O N F I D E N T I A L CARACAS 8775

E.O. 11652: GDS

TAGS: PLOS, VE

SUBJECT: AMBASSADOR LEARSON'S LOS CONSULTATIONS WITH
VENEZUELA

REF: CARACAS 8632

SUMMARY. AMBASSADOR LEARSON JULY 19 REVIEWED WITH C-2
CHAIRMAN AGUILAR AND SENIOR MEMBERS OF THE VENEZUELAN LOS
DELEGATION THE OUTSTANDING PROBLEMS FACING THE FORTHCOMING
SESSION OF THE LOS CONFERENCE. AGUILAR AGREED THAT C-2 AND C-3
WORK SHOULD BE CONCLUDED IN NEW YORK AND THEN FROZEN UNTIL C-1
WORK IS COMPLETED, WHICH HE THINKS WILL NOT BE POSSIBLE IN THE
NEXT SESSION. ON C-2 MATTERS AGUILAR FELT COASTAL STATES WOULD
NOT ACCEPT REVISION OF ARTICLE 20 BUT THOUGHT A COMPROMISE CAN BE
REACHED ON ARTICLES 44, 46 AND 75. AGUILAR WILL ESTABLISH A PANEL
OF EXPERTS TO DEFINE THE OUTER MARGIN OF THE CONTINENTAL SHELF.
HE THOUGHT REVENUE SHARING NOT A SERIOUS PROBLEM. HE IS NOT
SURE HOW THE TRANSITIONAL PROVISION SHOULD BE HANDLED. ON C-3
MATTERS THE VENEZUELAN INSIST ON A CONSENT REGIME FOR MARINE
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SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE. THE VENEZUELAN HAD

NO CONCRETE SUGGESTIONS FOR C-1 MATTERS EXCEPT FOR ARTICLE 9.
END SUMMARY.

1. AMBASSADOR LEARSON, ACCOMPANIED BY RANDOLP (D/LOS) AND MUNRO (EMBASSY CARACAS) MET FOR THREE HOURS AT THE FONMINISTRY JULY 19 WITH C-2 CHAIRMAN ANDRES AGUILAR. AGUILAR WAS ACCOMPANIED BY DEPUTY FALCON BRICENO (NO. 2 ON VENDEL); AMBASSADORS ROJAS CABOT, MORALES PAUL AND MARTINEZ; DR. EMILIO FIGUEREDO (VENREP ON C-1) AND DR. GILBERTO RODRIGUEZ (VENREP ON C-3). MEETING WAS FRIENDLY THROUGH-OUT. HIGHLIGHTS OF THE DISCUSSION FOLLOW:

2. AMBASSADOR LEARSON'S OPENING REMARKS EXPRESSED THE OPINION THAT C-2 AND C-3 WORK WOULD BE CONCLUDED AT THE FORTHCOMING NEW YORK SESSION AND THEN FROZEN UNTIL C-1 WORK IS COMPLETED. AGUILAR INDICATED HIS BELIEF THAT THIS WOULD BE ACCOMPLISHED WM

3. DISCUSSION THEN PASSED TO C-2 MATTERS. AMBASSADOR LEARSON DISCUSSED THE RECOMMENDED U.S. FIX FOR ARTICLE 20, NOTING THE INTKCT TO TRANSFER THIS ISSUE FROM C-2 TO C-3. AGUILAR TOOK NOTE OF THIS APPROACH BUT FELT THE LDC COASTAL STATES WOULD NOT ACCEPT THE CHANGE.

4. AMBASSADOR LEARSON STRESSED THAT ARTICLES 44, 46 AND 75 POSED A MAJOR ISSUE FOR THE U.S. AGUILAR RECOGNIZED THIS AND EXPRESSED HIS OPINION THAT A COMPROMISE CAN BE REACHED. HIS POSITION IS THAT THE TERRITORIALISTS HAVE LOST THE BATTLE AND READY TO COMPROMISE. AGUILAR SAID HE HAD TALKED TO PERU, URUGUAY AND ECUADOR, AND THAT THE ROAD SEEMS CLEAR TO CHANGE THE DRAFT TO ASSIGN RESOURCES RIGHTS TO THE COASTAL STATES; OTHER RESIDUAL RIGHTS WOULD BE ASSIGNED TO THE INTERNATIONAL COMMUNITY. HOWEVER, AGUILAR DID NOT BELIEVE THE TERRITORIALISTS WILL PERMIT THE USE OF THE WORDS "HIGH SEAS" AND THAT SOME IN-BETWEEN WORDING MUST BE FOUND.

5. AS TO THE CONTINENTAL SHELF, AGUILAR INDICATED THAT THE POLITCAL DECISION HAS BEEN MADE RESPECTING COASTAL STATE RETENTION OF RIGHTS TO THE CONTINENTAL SHELF BEYOND 200 MILES. AGUILAR STATED HE PLANS TO ESTABLISH A BROAD-BASED PANEL
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OF EXPERTS TO DEFINE THE OUTER MARGIN.

6. ON REVENUE SHARING, AGUILAR THOUGHT THIS DOES NOT CONSTITUTE A SERIOUS PROBLEM AND INDICATED, WITHOUT COMMITMENT, THAT PARA. 3 OF ARTICLE 70 SHOULD BE DELETED. HE FELT QUITE STRONGLY THAT THE SEABED AUTHORITY SHOULD BE THE DISBURSING AGENCY FOR THE FUNDS RECEIVED FROM REVENUE SHARING.

7. ON THE TRANSITIONAL PROVISION, AGUILAR FULLY UNDERSTANDS OUR POSITION. BUT HE HAS NO COURSE OF ACTION CLEARLY IN MIND. AGUILAR WOULD LIKE TO DELETE THE PROVISION ALTOGETHER, BUT FEARS THE ISSUE MAY BE EXPLOSIVE AND IS NOT SURE HOW HE WOULD PREFER TO MANEUVER IT.

8. DISCUSSION TOUCHED NEXT ON C-3 MATTERS. AMBASSADOR LEARSON STRESSED THE IMPORTANCE WE ATTACH TO THE QUESTION OF FREEDOM OF MARINE SCIENTIFIC RESEARCH AND DISCUSSED THE EFFECT THE IMPOSITION OF A COMPLETE CONSENT REGIME WOULD HAVE ON MARINE SCIENTIFIC RESEARCH WITH THE RESULTANT NEGATIVE EFFECT ON THE US INTELLECTUAL COMMUNITY AND HOW THIS WOULD COMPLICATE US RATIFICATION OF THE LOS TREATY. HE EMPHASIZED THAT A NOTIFICATION REGIME IS WARRANTED AND COMPLETELY PROTECTS COASTAL STATE RIGHTS. BOTH AGUILAR AND HIS VENEZUELAN COLLEAGUES EXPRESSED COMPLETE SATISFACTION WITH THE TEXT AS IT PRESENTLY STANDS AND BELIEVE IT IS JUSTIFIED. THE VENEZUELAN OBSERVED THAT IF GOOD RELATIONS EXIST BETWEEN THE RESEARCHING AND THE COASTAL STATES MARINE SCIENTIFIC RESEARCH WILL PROCEED; IF NOT, NO AUTHORIZATION WOULD BE FORTHCOMING IN ANY EVENT.

9. C-1 MATTERS FOLLOWED. DISCUSSION OF A BROADER NEGOTIATING TEAM REPRESENTING ALL ELEMENTS OF THE LOS CONFERENCE APPEALED TO THE VENEZUELAN, WHO DO NOT BELIEVE C-1 WORK CAN BE COMPLETED IN THE NEXT SESSION.

10. THERE FOLLOWED A LENGTHY DISCUSSION OF THE ACCESS SYSTEM, FUNDING OF THE ENTERPRISE, COMPOSITION OF AND VOTING IN THE COUNCIL, PROFIT SHARING AND ARTICLE 9. THE VENEZUELAN HAD LITTLE TO OFFER BY WAY OF CONCRETE SUGGESTIONS EXCEPT FOR ARTICLE 9, WHICH THEY CONSIDERED TOO LIMITED AND WHICH SHOULD ADDRESS OTHER SEABED RESOURCES, I.E., PETROLEUM. AGUILAR
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SAID HE WOULD VERY MUCH LIKE TO RECEIVE OUR SUGGESTED REVISIONS WHEN THEY ARE COMPLETED.

11. MEETING CONCLUDED WITH AGUILAR THANKING AMBASSADOR LEARSON FOR VISITING CARACAS TO EXCHANGE VIEWS AND EXPRESSING REGRET THAT AMBASSADOR CLINGAN'S SUDDEN ILLNESS HAD PREVENTED HIM FROM ATTENDING THE MEETING.
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